



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Jessica Winkler, Project Manager

Public Notice Date: June 15, 2005
Expiration Date: July 15, 2005
Reference: 200500541
Name: Port of Seattle

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT: Port of Seattle
Post Office Box 1209
Seattle, Washington 98111-1209
ATTN: Ms. Ann Kenny
Telephone: (206) 728-3127

LOCATION: At Terminal 91, pier 91, berths C and D, in Smith Cove, at Seattle, Washington.

WORK: Reconstruct 960 linear feet of the existing 75 foot wide timber apron with an 88 foot wide concrete apron. The reconstruction will include the replacement of 2,680 existing creosote treated timber piling with 600 (18 inch) octagonal concrete piling, 225 (20 inch) steel pipe piles, 14 (12 inch) steel pipe piles, and 120 ACZA treated timber fender piles. Up to 2,130 of the existing creosote piles will be cut off at the mudline and the remaining 550 will be completely extracted. The extension of the apron will occur landward of the existing bulkhead and no additional overwater coverage will result from the apron reconstruction.

Up to 1,360 cubic yards (cy) of riprap, 2,710 cy of rat rock, and 2,640 cy of fish rock would be placed between +8 feet and -20 feet Mean Lower Low Water to stabilize the slope and improve habitat underneath the new apron.

Existing floats would be removed and two 9 foot by 46 foot floats, ramps and a total of 10 (12 inch) steel piles would be placed, one float at the north end of each pier.

PURPOSE: Maintain existing industrial marine terminal.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. The Puget Sound Chinook (*Oncorhynchus tshawytscha*), threatened, Coastal/Puget Sound bull trout (*Salvelinus confluentus*), threatened, bald eagle (*Haliaeetus leucocephalus*) threatened, Steller sea lion (*Eumetopias jubatus*), threatened, Humpback whale (*Megaptera novaeangliae*), endangered, Leatherback sea turtle (*Dermochelys coriacea*), endangered, and Puget Sound Killer whale (*Orcinus orca*), proposed for listing in the state of Washington, may occur in the proposed project area.

For Steller sea lion, critical habitat has been designated and for chinook and bull trout, critical habitat has been proposed. After receipt of comments from this public notice, the U.S. Army Corps of Engineers (Corps) will evaluate the potential impacts to the chinook, bull trout, bald eagle, Steller sea lion, Humpback whale, leatherback sea turtle, and Killer whale.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact approximately 1.7 acres of EFH for Pacific salmon, Groundfish, and Coastal Pelagic Species in the project area.

If the Corps determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

CULTURAL RESOURCES: The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. Known historic properties occur in the vicinity of the proposed project. However, they do not occur in the permit area. The proposed work is of such a limited nature and extent and the permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed permit area.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the

200500541

National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The proposed discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the Clean Water Act. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

ADDITIONAL EVALUATION: The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act. This proposal is the subject of Shorelines Substantial Development Permit No. 2108017, which has been issued by the City of Seattle.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to Jessica.G.Winkler@usace.army.mil. Conventional mail comments should be sent to the U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington, 98124-3755. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

Seattle, Port of
200500541

Encl
Drawings (6)

EXISTING 75' WIDE TIMBER APRON WILL BE REPLACED WITH 88' WIDE CONCRETE APRON. THE NEW CONCRETE APRON WILL BE EXTENDED LANDWARD OF THE EXISTING BULKHEAD. THE OVERWATER FOOTPRINT WILL REMAIN THE SAME. THERE WILL BE NO DREDGING OR EXCAVATION WITH THIS PROJECT.

RIPRAP	1,360 CY (2,900 TON)
RAT ROCK	2,710 CY (5,200 TON)
FISH ROCK	2,640 CY (5,000 TON)

THIS PROPOSED CONSTRUCTION WILL REMOVE APPROX. 2,680 EXISTING STRUCTURAL TIMBER CREOSOTE PILING AND REPLACE WITH APPROX. 600 18" Ø OCTAGONAL CONCRETE PILING, 225 20" Ø STEEL PIPE PILES, 14 12" Ø STEEL PIPE PILES, AND 120 ACZA TREATED TIMBER FENDER PILES.

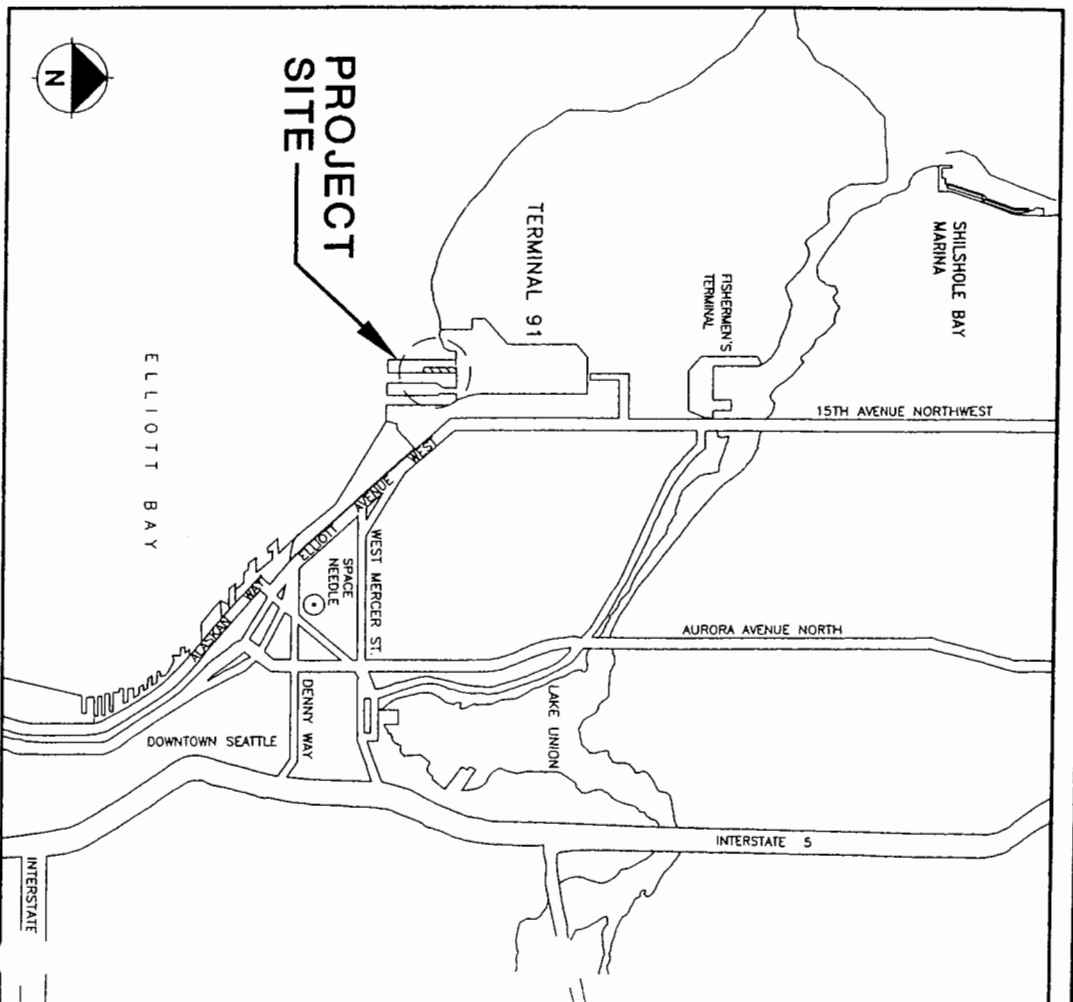
APPROX. 550 PILING WILL BE EXTRACTED AND THE REMAINING 2,130 WILL BE CUT OFF AT THE MUD LINE AND REMAIN IN PLACE FOR SEISMIC SLOPE STABILITY.

THE EXISTING VERTICAL BULKHEAD WILL BE LEFT IN PLACE. THE SLOPE WILL BE STABILIZED BY ADDING ADDITIONAL RIPRAP AND RAT ROCK IN FRONT OF THE EXISTING BULKHEAD AND BY PLACING A NEW SHEET PILING BULKHEAD WITH CONCRETE CAP LANDWARD OF THE EXISTING BULKHEAD. FISH ROCK WILL BE PLACED BETWEEN ELEVATIONS +8.0 AND -20.0 MLW.

FLOATS REMOVED FROM THE NORTH ENDS OF THE APRONS ON PIERS 90 & 91 WILL BE REPLACED BY SAME-SIZED (APPROX. 9'x46') FLOATS IN THE SAME LOCATIONS. REMOVED RAMPS THAT GO DOWN TO THE FLOATS WILL BE REPLACED BY LONGER RAMPS TO REDUCE SLOPE DURING TIDE SWINGS. EACH FLOAT WILL BE SECURED BY 7 EACH 12" Ø STEEL PILES.

PURPOSE: REPLACE EXISTING DETERIORATING TIMBER PIER WITH CONCRETE PIER.

DATE: MLW = 0



Port of Seattle

200500541

P.O. Box 1209

Seattle, Washington

98111

**TERMINAL 91-BERTHS C & D
REBUILD APRON AT PIER 91 EAST**

IN: ELLIOTT BAY, PUGET SOUND
AT: PORT OF SEATTLE, TERMINAL 91
COUNTY OF : KING STATE OF : WA
APPLICATION BY : PORT OF SEATTLE
SHEET 1 OF 6 DATE : 4/18/2005

DATUM: MLLW = 0

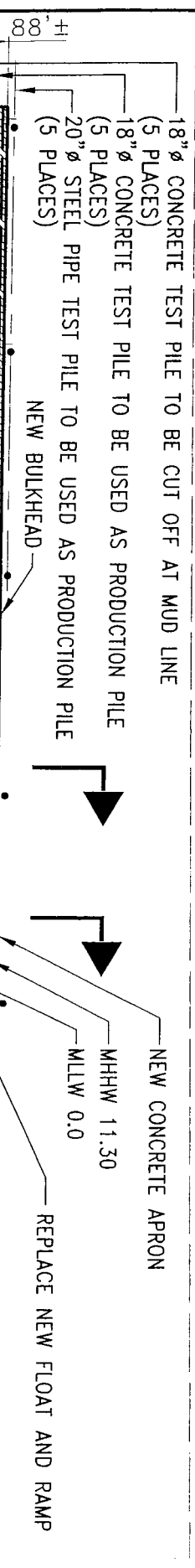
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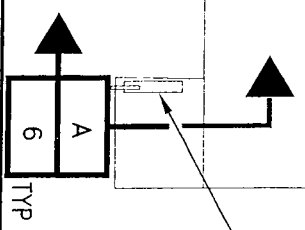
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VACATED SMITH COVE WATERWAY
CONTROLLING DEPTH EL. -35' (MLW=0')

APRON RECONSTRUCTION PLAN



NEW CONCRETE APRON
CONSTRUCTION SITE

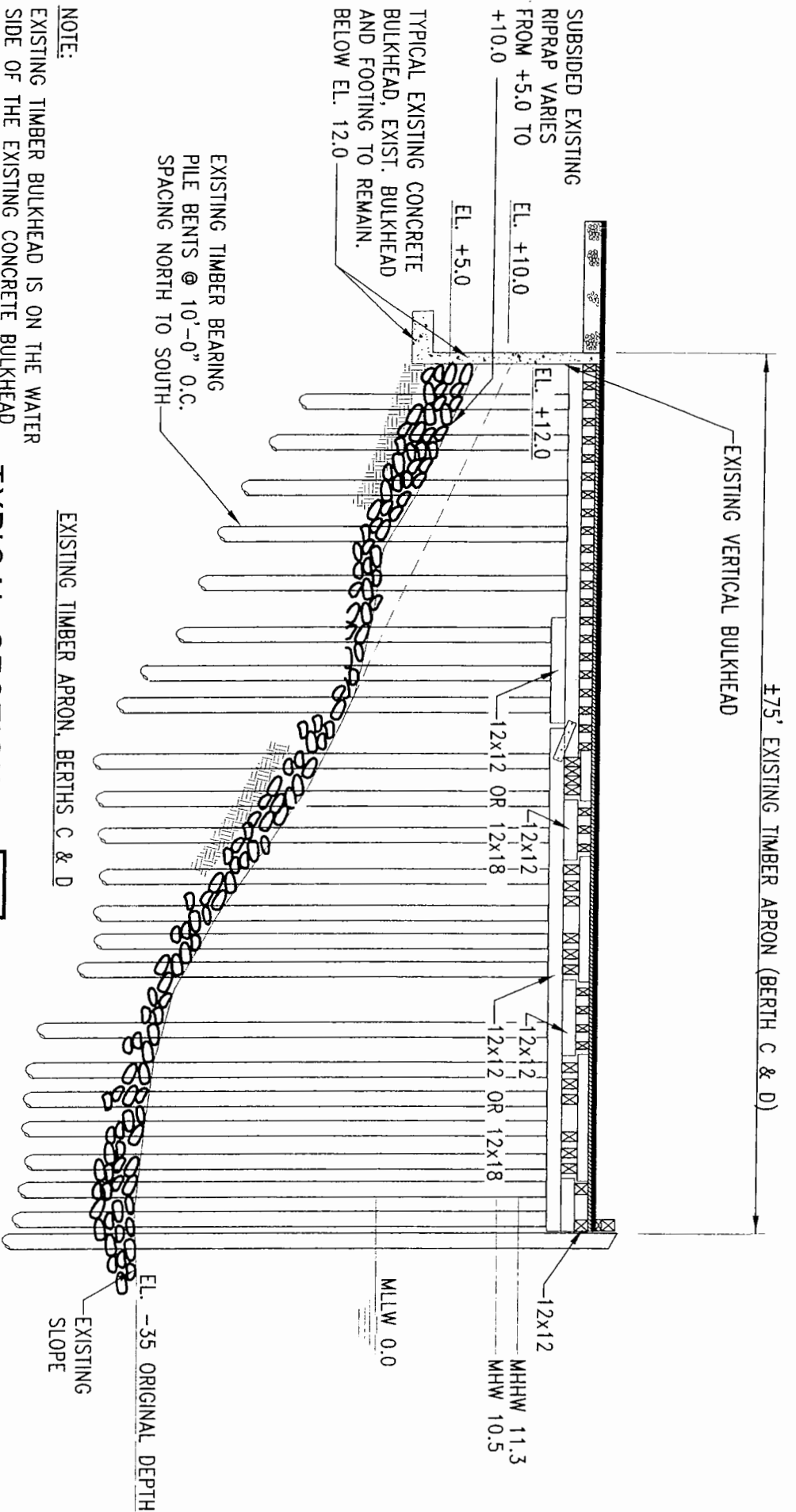
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APPLICATION BY : PORT OF SEATTLE
SHEET 3 OF 6 DATE : 4/18/2005



NOTE:

EXISTING TIMBER BULKHEAD IS ON THE WATER SIDE OF THE EXISTING CONCRETE BULKHEAD WITH THE SAME ALIGNMENT.

TYPICAL SECTION

NO SCALE

A	4
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PURPOSE: REPLACE EXISTING DETERIORATING TIMBER PIER WITH CONCRETE PIER.

DATE: M.L.W. = 0



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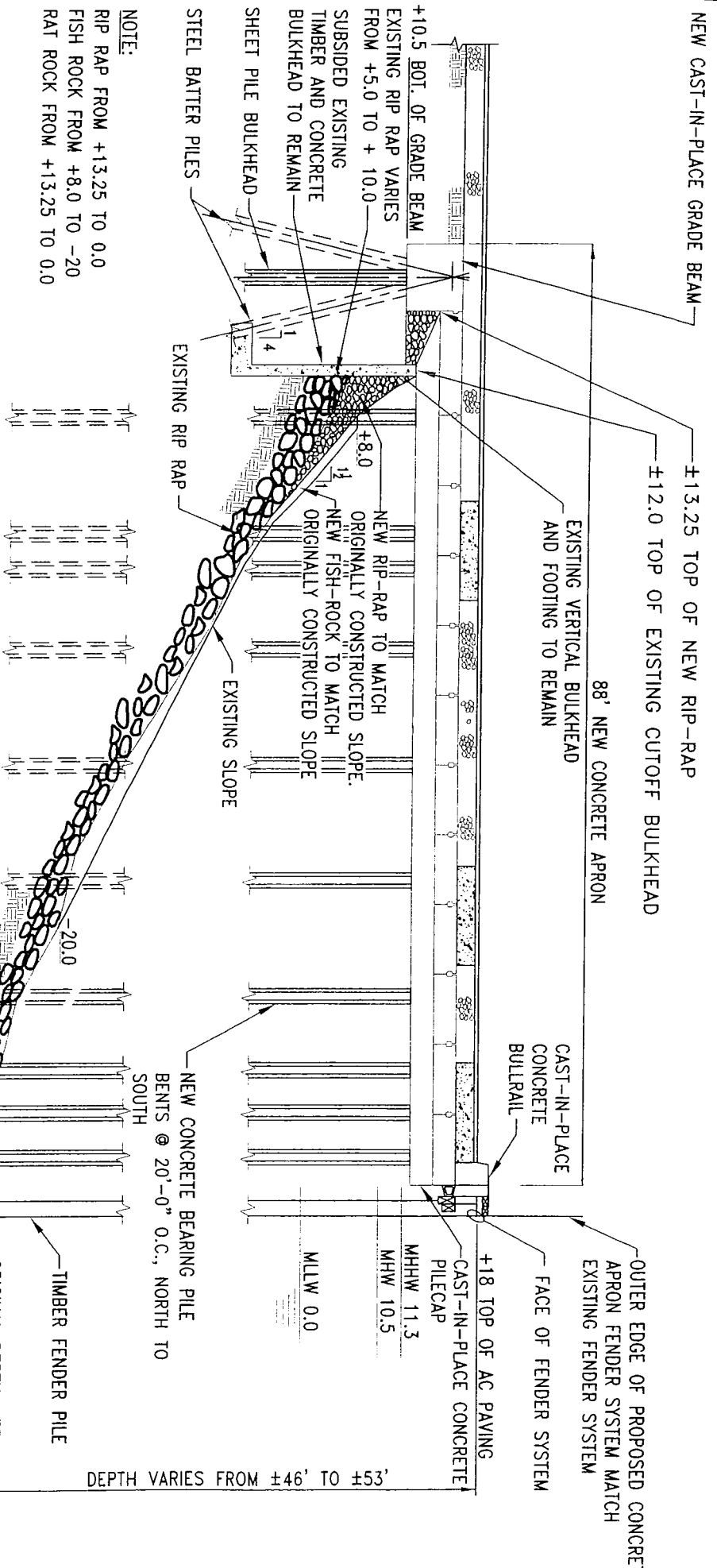
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REBUILD APRON AT PIER 91 EAST**

IN: ELLIOTT BAY, PUGET SOUND
AT: PORT OF SEATTLE, TERMINAL 91
COUNTY OF: KING STATE OF: WA
APPLICATION BY: PORT OF SEATTLE
SHEET 4 OF 6 DATE: 4/18/2005



NOTE:
 RIP RAP FROM +13.25 TO 0.0
 FISH ROCK FROM +8.0 TO -20
 RAT ROCK FROM +13.25 TO 0.0

PROPOSED NEW CONCRETE APRON BERTH C & D

TYPICAL SECTION

NO SCALE

A	5
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PURPOSE: REPLACE EXISTING DETERIORATING TIMBER PIER WITH CONCRETE PIER.

DATUM: MLLW = 0



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**TERMINAL 91-BERTHS C & D
 REBUILD APRON AT PIER 91 EAST**

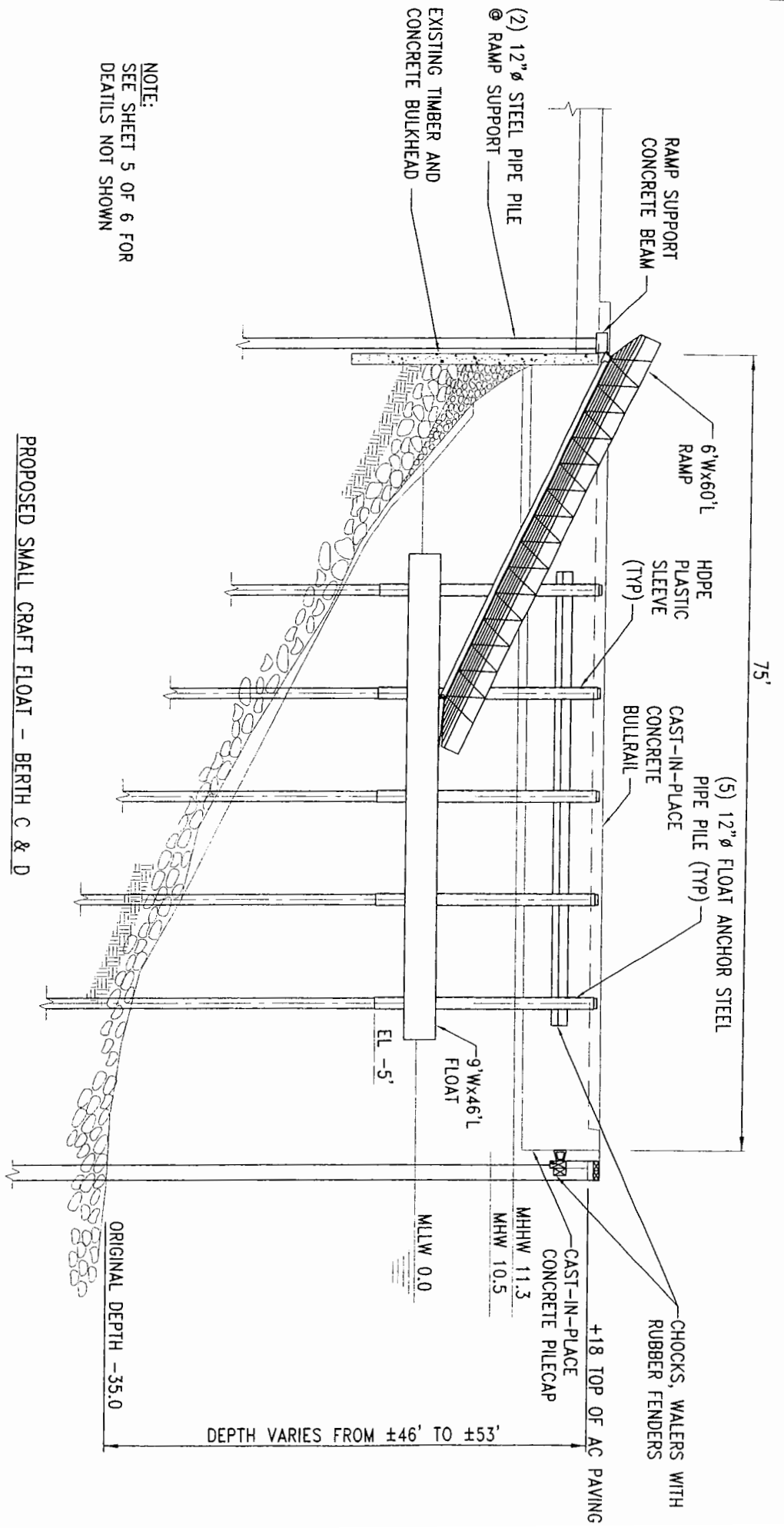
IN: ELLIOTT BAY, PUGET SOUND

AT: PORT OF SEATTLE, TERMINAL 91

COUNTY OF : KING STATE OF : WA

APPLICATION BY : PORT OF SEATTLE

SHEET 5 OF 6 DATE : 4/18/2005



NOTE:
SEE SHEET 5 OF 6 FOR
DETAILS NOT SHOWN

PROPOSED SMALL CRAFT FLOAT - BERTH C & D

TYPICAL SECTION

NO SCALE

A	6
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PURPOSE: REPLACE EXISTING DETERIORATING TIMBER PIER
WITH CONCRETE PIER.

DATUM: MLW = 0



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AT: PORT OF SEATTLE, TERMINAL 91
COUNTY OF: KING STATE OF: WA
APPLICATION BY: PORT OF SEATTLE
SHEET 6 OF 6 DATE: 4/18/2005



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006*

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: June 15, 2005

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200500541 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600